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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,483	09/13/2000	Abraham R. Matthews	FORT-000600	2761
64128 7590 04/11/2008 MICHAEL A DESANCTIS HAMILTON DESANCTIS & CHA LLP FINANCIAL PLAZA AT UNION SQUARE 225 UNION BOULEVARD, SUITE 305 LAKEWOOD, CO 80228				
EXAMINER BRUCKART, BENJAMIN R				
ART UNIT 2146		PAPER NUMBER		
MAIL DATE 04/11/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 09/663,483	Applicant(s) MATTHEWS ET AL.
Examiner BENJAMIN R. BRUCKART	Art Unit 2146

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 3/18/08 and 4/01/08 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 18 March 2008. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 1, 2, 4-8 and 21-34.
Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Jeffrey Pwu/
Supervisory Patent Examiner, Art Unit 2146

Continuation of 11, does NOT place the application in condition for allowance because: The information disclosure statement filed 4/1/08 is not considered. It is filed after finality has been drawn and prosecution has been closed.

Applicant did not indicate the proper rationale for consideration as indicated by 37 CFR 1.97.

The examiner maintains the rejection.

Claims 21-27 are not appealable as they have only been rejected once.

The Applicant Argues:

The Rao reference does not teach NOS on Processing Elements.

In response, the examiner respectfully submits:

In the after final amendment, applicant requests clarification for appeal.

First, the network operating system is interpreted to be the underlying instructions that perform the steps as claimed for providing each customer with a customizable configuration of service object groups.

The installing of NOS (network operating system) on a first processing element is interpreted to be the installing of the software installed on the Forwarding Module (col. 4, lines 1-5). Rao teaches forwarding modules (PEs) that operate and perform the operations of allowing the switch to create discrete customized services for customers of a service provider operating the switch by providing each customer with a customized configuration of service object groups (Rao: col. 8, lines 38- col. 9, line 43) where network configurations and processing is conducted.

Further Rao teaches a system virtual router on a first PE of the plurality of PEs (Rao: col. 19, lines 16-43), wherein creating the system virtual router includes establishing a global object manager associated with the NOS of the first PE, the global object manager being responsible for managing global object groups and global object configurations (Rao: col. 19, lines 39-43) and configuring the plurality of PEs from the system virtual router (Rao: col. 19, lines 44-46; col. 17, lines 25- col. 18, line 11), wherein configuring includes establishing, via the global object manager, a local object manager on each of the PEs, wherein the local object manager for a given PE of the plurality of PEs manages objects local to the given PE and transfers messages between objects on the given PE and between objects on the given PE and objects on other PEs of the plurality of PEs (Rao: col. 8, lines 38-55).